

AMENDED IN SENATE SEPTEMBER 7, 2001

AMENDED IN SENATE AUGUST 20, 2001

AMENDED IN SENATE JULY 10, 2001

AMENDED IN ASSEMBLY MAY 31, 2001

CALIFORNIA LEGISLATURE—2001–02 REGULAR SESSION

ASSEMBLY BILL

No. 960

**Introduced by Assembly Member Keeley
(Coauthor: Assembly Member Cardoza)**

February 23, 2001

An act to add Section 13823.21 to the Penal Code, relating to crime prevention, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 960, as amended, Keeley. Crime prevention: environmental prosecution project.

Under existing law, various programs are established in the Office of Criminal Justice Planning (OCJP) and administered by that office.

This bill would require OCJP to establish the Environmental Circuit Prosecutor Project, the purpose of which would be to promote, through uniform and effective prosecution and local assistance, particularly in rural counties, the effective enforcement of environmental laws and regulations, as specified.

The bill would appropriate \$300,000 from the General Fund to the Office of Criminal Justice Planning for the purpose of funding this project as well as administering, and performing a complete evaluation of, the project.

Vote: ²/₃. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. The Legislature hereby finds and declares the
2 following:
- 3 (a) In 1998, the California Environmental Protection Agency,
4 California District Attorneys Association, and the Legislature
5 created the Environmental Circuit Prosecutor Project.
- 6 (b) The purpose of the pilot project was to ensure that
7 environmental laws are effectively and uniformly prosecuted
8 statewide.
- 9 (c) The Environmental Circuit Prosecutor Project, although
10 established to provide direct assistance to small rural counties, is
11 a resource for all counties.
- 12 (d) Although environmental cases do not comprise a large
13 portion of criminal cases, they require specialized knowledge and
14 can be time and resource consuming.
- 15 (e) In more urban areas, where county district attorney offices
16 have an existing environmental law division, the environmental
17 circuit prosecutors are a resource for ideas, information, and
18 assistance.
- 19 (f) Many smaller, more rural counties, while home to some of
20 California's most significant natural resources, are also, due to the
21 rural nature of the area, subject to hazardous waste dumping and
22 other environmental abuses. Unfortunately, many of these
23 counties lack sufficient resources and staff expertise to ensure that
24 environmental laws are adequately enforced.
- 25 (g) The Environmental Circuit Prosecutor Project provides
26 assistance to smaller rural district attorneys, ranging from
27 information to hands-on participation in cases.
- 28 (h) The Environmental Circuit Prosecutor Project cases
29 include, but are not limited to, cases involving air pollution, water
30 pollution, hazardous waste, fisheries, and hunting and wildlife
31 violations.
- 32 (i) The Environmental Circuit Prosecutor Project has been a
33 success. In its first three years, circuit prosecutors opened over 500
34 cases and obtained nearly four million dollars (\$4,000,000) in
35 fines, penalties, and associated costs. In 2000 alone, circuit



1 prosecutors opened 280 cases and obtained one million six
2 hundred fifty thousand dollars (\$1,650,000) in fines, penalties,
3 and costs.

4 (j) Prosecuting these environmental cases protects the public
5 and the environment, particularly air and water quality, throughout
6 the state.

7 (k) It is, therefore, altogether fitting and proper, and within the
8 public interest, for the State of California, under the aegis of the
9 Office of Criminal Justice Planning, to contract with ~~the California~~
10 ~~District Attorneys Association~~ *an appropriate nonprofit*
11 *organization* for the purpose of continuing the Environmental
12 Circuit Prosecutor Project, thereby ensuring that environmental
13 law violations are prosecuted in a uniform and effective manner.

14 SEC. 2. Section 13823.21 is added to the Penal Code, to read:

15 13823.21. (a) (1) The Office of Criminal Justice Planning
16 shall establish the Environmental Circuit Prosecutor Project.

17 (2) The Office of Criminal Justice Planning shall contract with
18 ~~the California District Attorneys Association~~ *a private nonprofit*
19 *organization comprised of local prosecutors*, and funds for the
20 project shall be allocated to ~~the California District Attorneys~~
21 ~~Association~~ *that nonprofit organization*, for the purpose of
22 providing for the day-to-day operations of the program.

23 (b) The purpose of the circuit prosecutor is to assist district
24 attorneys, particularly in rural counties, in the prosecution of
25 criminal violations of air and water pollution and other
26 environmental laws and regulations, where a district attorney has
27 requested assistance.

28 (c) (1) The Environmental Circuit Prosecutor Project shall
29 promote, through uniform and effective prosecution and local
30 assistance, the effective enforcement of environmental laws and
31 regulations.

32 (2) Circuit prosecutors shall also advance the uniform and
33 effective prosecution of environmental crime by providing
34 education and training to local peace officers, prosecutors, and
35 local and state environmental protection agencies and
36 organizations.

37 (d) (1) Circuit prosecutor project employees may be either
38 employees of ~~the California District Attorneys Association~~ *a*
39 *nonprofit organization selected pursuant to subdivision (a)*, or

1 employees on loan *to that nonprofit organization* from local or
2 state governmental agencies.

3 (2) The district attorney shall, as appropriate, deputize a circuit
4 prosecutor to handle a prosecution within the county.

5 (e) (1) Participating district attorney offices ~~or the California~~
6 ~~district Attorneys Association~~ shall provide matching funds or
7 in-kind contributions equivalent to, but not less than, 25 percent
8 of the expense of the ~~“deputized”~~ *deputized* environmental circuit
9 prosecutors.

10 (2) *In the event that the participating district attorney is not*
11 *able to provide sufficient matching funds or in-kind contributions,*
12 *the nonprofit selected pursuant to subdivision (a) may provide*
13 *funding on behalf of that district attorney.*

14 (3) The matching funds or in-kind contributions ~~may~~ *shall*
15 come from ~~governmental~~ entities other than the state.

16 SEC. 3. The sum of three hundred thousand dollars
17 (\$300,000) is appropriated from the General Fund to the Office of
18 Criminal Justice Planning for allocation to the ~~California District~~
19 ~~Attorneys Association to continue funding~~ *private nonprofit*
20 *organization comprised of local prosecutors for support of the*
21 *Environmental Circuit Prosecutor Project, pursuant to Section*
22 *13823.1 of the Penal Code.*

23 (b) Up to 3 percent of the amount appropriated pursuant to this
24 section shall be transferred, upon the approval of the Director of
25 Finance, to the Office of Criminal Justice Planning to administer,
26 and complete an evaluation of, the program described in this
27 section.